

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JESSICA ANN POHLMAN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No.: 16cv276-MMA (PCL)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE;**

[Doc. No. 15]

**DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT;**

[Doc. No. 12]

**GRANTING DEFENDANT'S CROSS  
MOTION FOR SUMMARY  
JUDGMENT**

[Doc. No. 13]

On February 2, 2016, Plaintiff Jessica Ann Pohlman filed this appeal pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), challenging the denial of her application for disability insurance benefits. *See* Doc. No. 1. The Court referred all matters arising in this social security appeal to the Honorable Peter C. Lewis, United States Magistrate Judge, for report and recommendation pursuant to section 636(b)(1)(B) of title 28 of the United States Code and Civil Local Rule 72.1. *See* Doc. No. 4; 28 U.S.C. § 636(b)(1)(B); S.D. Cal. Civ. R. 72.1.

On January 13, 2017, Judge Lewis issued a thorough and well-reasoned Report containing findings and conclusions, upon which he bases his Recommendation that the Court deny Plaintiff's motion for summary judgment and grant Defendant's cross motion for summary judgment. *See* Doc. No. 15. Neither party objected to the Report and Recommendation, and the time for filing objections has expired.

1 The duties of the district court in connection with a magistrate judge's report and  
 2 recommendation are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and  
 3 28 U.S.C. § 636(b)(1). Where the parties object to a report and recommendation, "[a]  
 4 judge of the [district] court shall make a de novo determination of those portions of the  
 5 [R&R] to which objection is made." 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S.  
 6 140, 149-50 (1985). When no objections are filed, the district court need not review the  
 7 R&R *de novo*. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States*  
 8 *v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th Cir. 2003) (en banc). A district judge may  
 9 nevertheless "accept, reject, or modify, in whole or in part, the findings or  
 10 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *Wilkins v.*  
 11 *Ramirez*, 455 F. Supp. 2d 1080, 1088 (S.D. Cal. 2006); *Or. Natural Desert Ass'n v.*  
 12 *Rasmussen*, 451 F. Supp. 2d 1202, 1205 (D. Or. 2006).

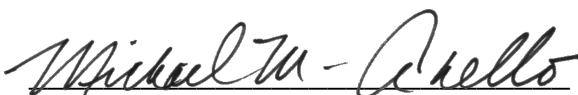
13 The Court has considered the pleadings and memoranda of the parties as well as  
 14 the administrative record, and has made a review and determination in accordance with  
 15 the requirements of 28 U.S.C. § 636 and applicable case law. Accordingly,

- 16 1. The Court **ADOPTS** Judge Lewis's Report and Recommendation [Doc. No.  
 17 15] in its entirety;
- 18 2. The Court **DENIES** Plaintiff's Motion for Summary Judgment [Doc. No.  
 19 12]; and,
- 20 3. The Court **GRANTS** Defendant's Cross Motion for Summary Judgment  
 21 [Doc. No. 13].

22 The Clerk of Court shall enter judgment accordingly and terminate the action.

23 **IT IS SO ORDERED.**

24  
 25 Dated: February 14, 2017

26 

27 Hon. Michael M. Anello  
 28 United States District Judge